

1 **Proposed Changes to Title 14 CCR California Forest Practice Rules**

2 **Lake Tahoe Region Exemption Emergency Rule, 2005**

3 (Notice Published June 13, 2005)

4 (Revised per OAL on June 17, 2005)

5  
6 **Amend 14 CCR 895, 895.1, 1038, and 1038 (f)**

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8 **895. Abbreviations Applicable Throughout Chapter.**

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10 **TRPA** Tahoe Regional Planning Agency

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12 Note: Authority cited: Sections 4551, 4551.5 and 21082, Public  
13 Resources Code. Reference: Sections 4511, 4512, 4513, 4521.3, 4522,  
14 4522.5, 4523-4525, 4525.3, 4525.5, 4525.7, 4526, 4526.5, 4527, 4527.5,  
4528, 4551, 4551.5, 4552, 4582 and 21080.5, Public Resources Code.

15 **895.1. Definitions.**

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17 **Lake Tahoe Region** means those portions of Placer and El Dorado  
18 Counties lying with the authority of the Tahoe Regional Planning  
19 Agency.

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21 Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5,  
22 4561.6, 4562, 4562.5, 4562.7 and 4591.1, Public Resources Code.  
23 Reference: Sections 4512, 4513, 4526, 4551, 4551.5, 4561, 4561.6,  
24 4562, 4562.5, 4562.7, 4583.2, 4591.1, 21001(f), 21080.5, 21083.2 and  
21084.1, Public Resources Code; CEQA Guidelines Appendix K (printed  
following Section 15387 of Title 14 Cal. Code of Regulations), and  
Laupheimer v. State (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82.

1 **1038. Exemption.**

2 Persons who conduct the following types of timber operations, listed  
3 as (a)through (i) below, are exempt from the plan preparation and  
4 submission requirements (PRC 4581) and from the completion report and  
5 stocking report requirements (PRC 4585 and 4587) of the Act except no  
6 tree that existed before 1800 A.D and is greater than sixty (60)  
7 inches in diameter at stump height for Sierra or Coastal Redwoods, and  
8 forty-eight (48) inches in diameter at stump height for all other tree  
9 species shall be harvested unless done so under the conditions or  
10 criteria set forth in subsection 1038 (h)+. All timber operations  
11 conducted in the Lake Tahoe Region under Notice of Exemption must have  
12 a valid Tahoe Basin Tree Removal Permit (as defined by the Tahoe  
13 Regional Planning Agency, TRPA) or conducted under a valid TRPA  
14 Memorandum of Understanding.

15 (a) Harvesting Christmas trees.

16 (b) Harvesting dead,\*\*\*\*\*

17 (f) On parcels of 20 acres or less in size within the Lake Tahoe  
18 Basin, that are not part of a larger parcel of land in the same  
19 ownership, the removal of live trees in a watercourse and lake  
20 protection zone (WLPZ), as defined in 14 CCR 956.4(b), used for  
21 fuelwood or other minor forest products, and dead or dying  
22 trees, (regardless of the definition of "dying trees" in section 895.1,  
23 dying means: will be dead within 1 year, based on the judgement of an  
24 RPF) ~~trees~~ as marked by an RPF and for which a Tahoe Basin Tree Removal  
25 Permit has been issued, when the following conditions are met:

1           (1) Tree removal on high erosion hazard lands (Bailey's Land  
2 Capability Districts 1a, 1c, or 2 per Land Capability Classification  
3 of the Lake Tahoe Basin, California-Nevada: A Guide for Planning by  
4 R.G. Bailey, USDA Forest Service, 1974) shall only be conducted using  
5 the following methods: helicopter, over-snow where no soil  
6 disturbance occurs, hand carry, and use of existing roads.

7           (2) Tree removal in Stream Environment Zones ("SEZs", Bailey's  
8 Land Capability District 1b) and within the standard width of a WLPZ,  
9 shall be permitted as in the preceding section (f)(1). End-lining may  
10 also be used provided that soils are dry, all heavy equipment remains  
11 outside the SEZ or WLPZ, and site conditions are such that soils or  
12 vegetation will not be adversely affected and a discharge of earthen  
13 materials to surface waters, SEZs, or 100-year floodplains will not  
14 occur. Other low-impact tree removal methods may be used in SEZs and  
15 WLPZs if approved by the Lahontan Regional Water Quality Control Board  
16 (RWQCB) and when a Tahoe Basin Tree Removal Permit is issued prior to  
17 submittal of the exemption notice to the Department. Certification of  
18 approval by the RWQCB and TRPA shall be provided with the exemption  
19 notice to the Department. Low-impact tree removal methods means the  
20 use of techniques for vegetation management (including tree removal)  
21 and harvesting that are designed so as to minimize impacts to the  
22 soils and vegetation. Such techniques should be able to operate in a  
23 manner that minimizes disruption of the soil surface (soil  
24 detachment), soil compaction, and damage to vegetation. Depending on  
25 the specific site conditions (e.g. soil type, soil conditions, slopes)

1 and the method of operation, the use of low-ground pressure logging  
2 equipment, including but not limited to, certain harvesters and  
3 forwarders, may qualify.

4 (3) No tractor or heavy equipment (ground-based) operations on  
5 slopes greater than 30% except during over-snow operations that result  
6 in no soil disturbance.

7 (4) No heavy equipment operations during the winter period, or  
8 within a SEZ or the standard width of a watercourse or lake protection  
9 zone (WLPZ), as defined in 14 CCR 956.4(b), except for over-snow  
10 operations that result in no soil disturbance, use or maintenance of  
11 existing roads, maintenance of drainage facilities or structures, use  
12 of low-impact tree removal methods approved pursuant to (f)(2) above,  
13 or use of skid crossings approved pursuant to (f)(9) below.

14 (5) No new road construction or reconstruction, as defined in 14  
15 CCR 895.1.

16 (6) No tractor or heavy equipment operations on known slides or  
17 unstable areas.

18 ~~(7) No timber harvesting within the standard width of a~~  
19 ~~watercourse or lake protection zone, as defined in 14 CCR 956.4(b),~~  
20 ~~except sanitation salvage harvesting, as defined in 14 CCR 953.3,~~  
21 ~~where immediately after completion of operations, the area shall meet~~  
22 ~~the stocking standards of 14 CCR 952.7(b)(2), or, except the removal~~  
23 ~~of dead or dying trees where consistent with 14 CCR 956.4 (b). All~~  
24 cutting or removal of live trees or other live vegetation from within  
25 the standard width of a WLPZ shall meet the WLPZ standards of the

1 Forest Practice Act and District Forest Practice Rules applicable to  
2 Timber Harvesting Plans. Trees to be harvested shall be marked by, or  
3 under the supervision of, an RPF prior to timber operations. Any  
4 cutting or removal of live trees or other live vegetation from within  
5 SEZs or WLPZs shall require a Tahoe Basin Tree Removal Permit and be  
6 certified in writing by staff of the RWQCB as complying with the soil  
7 protection and vegetation retention requirements of the RWQCB's Basin  
8 Plan prior to submittal of the exemption notice to the Department.

9 (8) All Class III watercourses shall have at least a 25-foot  
10 WLPZ.

11 (9) No watercourse crossings of Class I or Class II watercourses  
12 except on existing bridges or existing culvert crossings. Any and all  
13 crossings proposed for Class III or Class IV watercourses shall be  
14 approved by staff of the ~~Regional Water Quality Control Board (RWQCB)~~  
15 and TRPA prior to operations.

16 (10) No known sites of rare, threatened or endangered plants or  
17 animals will be disturbed, threatened or damaged.

18 (11) No timber operations within the buffer zone of a sensitive  
19 species, as defined in 14 CCR 895.1.

20 (12) No timber operations on significant historical or  
21 archaeological sites. Information on some of these sites may be  
22 available from the Information Centers of the California Historical  
23 Resources Information System within the Department of Parks and  
24 Recreation.

25 (13) The landowner shall allow access to the property for

inspections by staff of the RWQCB and TRPA.

(14) A person shall comply with all operational provisions of the Forest Practice Act and District Forest Rules applicable to "Timber Harvest Plan", "THP", and "plan".

(g) The removal \*\*\*\*\*

Note: Authority cited: Sections 4551, 4553 and 4584, Public Resources Code. Reference: Sections 4516, 4527 and 4584, Public Resources Code; and EPIC v. California Department of Forestry and Fire Protection and Board of Forestry (1996) 43 Cal. App.4th 1011.

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